

ENGROSSED SENATE BILL No. 109

DIGEST OF SB 109 (Updated February 14, 2002 12:53 PM - DI 107)

Citations Affected: IC 5-1; IC 12-7; IC 12-12; IC 12-29; IC 20-12.

Synopsis: Accreditation of disabilities services providers. Modifies the definition of "community mental retardation and other developmental disabilities centers". Requires the rehabilitation services bureau of the division of disability, aging, and rehabilitative services (bureau), when contracting for certain services, to contract with entities or individuals that are accredited by certain organizations. Requires the bureau to include in the contract any specific requirement not covered by the entity's or individual's accreditation. Makes conforming amendments. (The introduced version of this bill was prepared by the commission on mental retardation and developmental disabilities.)

Effective: Upon passage; July 1, 2002.

Riegsecker, Breaux

(HOUSE SPONSORS — KLINKER, ALDERMAN)

January 7, 2002, read first time and referred to Committee on Health and Provider

January 17, 2002, amended, reported favorably — Do Pass. January 22, 2002, read second time, ordered engrossed. January 23, 2002, engrossed. January 29, 2002, read third time, passed. Yeas 50, nays 0.

HOUSE ACTION
February 5, 2002, read first time and referred to Committee on Human Affairs.
February 14, 2002, amended, reported — Do Pass.



Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in this style type, and deletions will appear in this style type.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or *this style type* reconciles conflicts between statutes enacted by the 2001 General Assembly.

ENGROSSED SENATE BILL No. 109

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 5-1-16-1, AS AMENDED BY P.L.215-2001,
SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
UPON PASSAGE]: Sec. 1. As used in this chapter:

"Authority" refers to the Indiana health facility financing authority.
"Bonds" includes bonds, refunding bonds, notes, interim certificates, bond anticipation notes, and other evidences of indebtedness of the authority, issued under this chapter.

"Building" or "buildings" or similar words mean any building or part of a building or addition to a building for health care purposes. The term includes the site for the building (if a site is to be acquired), equipment, heating facilities, sewage disposal facilities, landscaping, walks, drives, parking facilities, and other structures, facilities, appurtenances, materials, and supplies that may be considered necessary to render a building suitable for use and occupancy for health care purposes.

"Cost" includes the following:

(1) The cost and the incidental and related costs of the

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1	acquisition, repair, restoration, reconditioning, refinancing, or
2	installation of health facility property.
3	(2) The cost of any property interest in health facility property,
4	including an option to purchase a leasehold interest.
5	(3) The cost of constructing health facility property, or an addition
6	to health facility property, acquiring health facility property, or
7	remodeling health facility property.
8	(4) The cost of architectural, engineering, legal, trustee,
9	underwriting, and related services; the cost of the preparation of
10	plans, specifications, studies, surveys, and estimates of cost and
11	of revenue; and all other expenses necessary or incident to
12	planning, providing, or determining the need for or the feasibility
13	and practicability of health facility property.
14	(5) The cost of financing charges, including premiums or
15	prepayment penalties and interest accrued during the construction
16	of health facility property or before the acquisition and
17	installation or refinancing of such health facility property for up
18	to two (2) years after such construction, acquisition, and
19	installation or refinancing and startup costs related to health
20	facility property for up to two (2) years after such construction,
21	acquisition, and installation or refinancing.
22	(6) The costs paid or incurred in connection with the financing of
23	health facility property, including out-of-pocket expenses, the cost
24	of any policy of insurance; the cost of printing, engraving, and
25	reproduction services; and the cost of the initial or acceptance fee
26	of any trustee or paying agent.
27	(7) The costs of the authority, incurred in connection with
28	providing health facility property, including reasonable sums to
29	reimburse the authority for time spent by its agents or employees
30	in providing and financing health facility property.
31	(8) The cost paid or incurred for the administration of any
32	program for the purchase or lease of or the making of loans for
33	health facility property, by the authority and any program for the
34	sale or lease of or making of loans for health facility property to
35	any participating provider.
36	"County" means any county in the state that owns and operates a
37	county hospital.
38	"Health facility property" means any tangible or intangible property
39	or asset owned or used by a participating provider and which:
40	(1) is determined by the authority to be necessary or helpful,
41	directly or indirectly, to provide:



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(A) health care;

1	(B) medical research;
2	(C) training or teaching of health care personnel;
3	(D) habilitation, rehabilitation, or therapeutic services; or
4	(E) any related supporting services;
5	regardless of whether such property is in existence at the time of,
6	or is to be provided after the making of, such finding;
7	(2) is a residential facility for:
8	(A) the physically, mentally, or emotionally disabled;
9	(B) the physically or mentally ill; or
10	(C) the elderly; or
11	(3) is a licensed child caring institution providing residential care
12	described in IC 12-7-2-29(1) or corresponding provisions of the
13	laws of the state in which the property is located.
14	"Health facility" means any facility or building that is:
15	(1) owned or used by a participating provider;
16	(2) located:
17	(A) in Indiana; or
18	(B) outside Indiana, if the participating provider that operates
19	the facility or building, or an affiliate of the participating
20	provider, also operates a substantial health facility or facilities,
21	as determined by the authority, in Indiana; and
22	(3) utilized, directly or indirectly:
23	(A) in:
24	(i) health care;
25	(ii) habilitation, rehabilitation, or therapeutic services;
26	(iii) medical research;
27	(iv) the training or teaching of health care personnel; or
28	(v) any related supporting services;
29	(B) to provide a residential facility for:
30	(i) the physically, mentally, or emotionally disabled;
31	(ii) the physically or mentally ill; or
32	(iii) the elderly; or
33	(C) as a child caring institution and provides residential care
34	described in IC 12-7-2-29(1) or corresponding provisions of
35	the laws of the state in which the facility or building is located.
36	"Net revenues" means the revenues of a hospital remaining after
37	provision for proper and reasonable expenses of operation, repair,
38	replacement, and maintenance of the hospital.
39	"Participating provider" means a person, corporation, municipal
40	corporation, political subdivision, or other entity, public or private,
41	which:
42	(1) is located in Indiana or outside Indiana:

1	(2) contracts with the authority for the financing or refinancing of,
2	or the lease or other acquisition of, health facility property that is
3	located:
4	(A) in Indiana; or
5	(B) outside Indiana, if the financing, refinancing, lease, or
6	other acquisition also includes a substantial component, as
7	determined by the authority, for the benefit of a health facility
8	or facilities located in Indiana;
9	(3) is:
10	(A) licensed under IC 12-25, IC 16-21, IC 16-28, or
11	corresponding laws of the state in which the property is
12	located;
13	(B) a regional blood center;
14	(C) a community mental health center or community mental
15	retardation and other developmental disabilities center (as
16	defined in IC 12-7-2-38 and IC 12-7-2-39 or corresponding
17	provisions of laws of the state in which the property is
18	located);
19	(D) an entity that:
20	(i) contracts with the division of disability, aging, and
21	rehabilitative services or the division of mental health and
22	addiction to provide the program described in
23	IC 12-11-1.1-1(e) or IC 12-22-2; or
24	(ii) provides a similar program under the laws of the state in
25	which the entity is located;
26	(E) a vocational rehabilitation center established under
27	$\frac{1}{12}$ 12-12-1-4(1) IC 12-12-1-4.1(a)(1) or corresponding
28	provisions of the laws of the state in which the property is
29	located;
30	(F) the owner or operator of a facility that is utilized, directly
31	or indirectly, to provide health care, habilitation, rehabilitation,
32	therapeutic services, medical research, the training or teaching
33	of health care personnel, or any related supporting services, or
34	of a residential facility for the physically, mentally, or
35	emotionally disabled, physically or mentally ill, or the elderly;
36	(G) a licensed child caring institution providing residential
37	care described in IC 12-7-2-29(1) or corresponding provisions
38	of the laws of the state in which the property is located;
39	(H) an integrated health care system between or among
40	providers, a health care purchasing alliance, a health insurer
41	or third party administrator that is a participant in an integrated
42	health care system, a health maintenance or preferred provider



1	organization, or a foundation that supports a health care
2	provider; or
3	(I) an individual, a business entity, or a governmental entity
4	that owns an equity or membership interest in any of the
5	organizations described in clauses (A) through (H); and
6	(4) in the case of a person, corporation, municipal corporation,
7	political subdivision, or other entity located outside Indiana, is
8	owned or controlled by, under common control with, affiliated
9	with, or part of an obligated group that includes an entity that
10	provides one (1) or more of the following services or facilities in
11	Indiana:
12	(A) A facility that provides:
13	(i) health care;
14	(ii) habilitation, rehabilitation, or therapeutic services;
15	(iii) medical research;
16	(iv) training or teaching of health care personnel; or
17	(v) any related supporting services.
18	(B) A residential facility for:
19	(i) the physically, mentally, or emotionally disabled;
20	(ii) the physically or mentally ill; or
21	(iii) the elderly.
22	(C) A child caring institution providing residential care
23	described in IC 12-7-2-29(1).
24	"Regional blood center" means a nonprofit corporation or
25	corporation created under 36 U.S.C. 1 that:
26	(1) is:
27	(A) accredited by the American Association of Blood Banks;
28	or
29	(B) registered or licensed by the Food and Drug
30	Administration of the Department of Health and Human
31	Services; and
32	(2) owns and operates a health facility that is primarily engaged
33	in:
34	(A) drawing, testing, processing, and storing human blood and
35	providing blood units or components to hospitals; or
36	(B) harvesting, testing, typing, processing, and storing human
37	body tissue and providing this tissue to hospitals.
38	SECTION 2. IC 12-7-2-39 IS AMENDED TO READ AS
39	FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 39. "Community
40	mental retardation and other developmental disabilities centers", for
41	purposes of IC 12-29 (except as provided in IC 12-29-3-6), means a
42	program of services that meets the following conditions:



1	(1) Is approved by the division of disability, aging, and
2	rehabilitative services.
3	(2) Is organized for the purpose of providing multiple services for
4	persons with developmental disabilities.
5	(3) Is operated by one (1) of the following or any combination of
6	the following:
7	(A) A city, a town, a county, or another political subdivision
8	of Indiana.
9	(B) An agency of the state.
10	(C) An agency of the United States.
11	(D) A political subdivision of another state.
12	(E) A hospital owned or operated by a unit of government
13	described in clauses (A) through (D).
14	(F) A building authority organized for the purpose of
15	constructing facilities to be leased to units of government.
16	(G) A corporation incorporated under IC 23-7-1.1 (before its
17	repeal August 1, 1991) or IC 23-17.
18	(H) A nonprofit corporation incorporated in another state.
19	(I) A university or college.
20	(4) Is accredited for the services provided by one (1) of the
21	following organizations:
22	(A) The Commission on Accreditation of Rehabilitation
23	Facilities (CARF), or its successor.
24	(B) The Council on Quality and Leadership in Supports for
25	People with Disabilities, or its successor.
26	(C) The Joint Commission on Accreditation of Healthcare
27	Organizations (JCAHO), or its successor.
28	(D) The National Commission on Quality Assurance, or its
29	successor.
30	(E) An independent national accreditation organization
31 32	approved by the secretary. SECTION 3. IC 12-12-1-4.1 IS ADDED TO THE INDIANA CODE
33	AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
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34 35	UPON PASSAGE]: Sec. 4.1. (a) The bureau may do the following:
36	(1) Establish vocational rehabilitation centers separately or in conjunction with community rehabilitation centers.
37	(2) Contract with governmental units and other public or
38	private organizations to provide any of the vocational
39	rehabilitation services permitted or required by this article,
40	IC 12-8-1-11, IC 12-9-6, and IC 12-11-6.
41	(3) Provide or contract for the provision of other services that
12	are consistent with the purposes of this article, IC 12-8-1-11,



1	IC 12-9-6, and IC 12-11-6.
2	(b) When entering into contracts for job development,
3	placement, or retention services, the bureau shall contract with
4	governmental units and other public or private organizations or
5	individuals that are accredited by one (1) of the following
6	organizations:
7	(1) The Commission on Accreditation of Rehabilitation
8	Facilities (CARF), or its successor.
9	(2) The Council on Quality and Leadership in Supports for
10	People with Disabilities, or its successor.
11	(3) The Joint Commission on Accreditation of Healthcare
12	Organizations (JCAHO), or its successor.
13	(4) The National Commission on Quality Assurance, or its
14	successor.
15	(5) An independent national accreditation organization
16	approved by the secretary.
17	(c) To the extent that the accreditation requirements of an
18	accrediting organization listed in subsection (b) do not cover a
19	specific requirement determined by the bureau to be necessary for
20	a contracted service under subsection (a), the bureau shall include
21	these specific requirements as part of the bureau's contract for job
22	development, placement, or retention services.
23	SECTION 4. IC 12-29-3-6 IS AMENDED TO READ AS
24	FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 6. (a) As used in this
25	section, "community mental retardation and other developmental
26	disabilities center" means a community center that is:
27	(1) incorporated under IC 23-7-1.1 (before its repeal August 1,
28	1991) or IC 23-17;
29	(2) organized for the purpose of providing services for mentally
30	retarded and other individuals with a developmental disability;
31	(3) approved by the division of disability, aging, and rehabilitative
32	services; and
33	(4) accredited for the services provided by one (1) of the
34	following organizations:
35	(A) The Commission on Accreditation of Rehabilitation
36	Facilities (CARF), or its successor.
37	(B) The Council on Quality and Leadership in Supports for
38	People with Disabilities, or its successor.
39	(C) The Joint Commission on Accreditation of Healthcare
40	Organizations (JCAHO), or its successor.
41	(D) The National Commission on Quality Assurance, or its



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successor.

1	(E) An independent national accreditation organization
2	approved by the secretary.
3	(b) The county executive of a county may authorize the furnishing
4	of financial assistance to a community mental retardation and other
5	developmental disabilities center serving the county.
6	(c) Upon the request of the county executive, the county fiscal body
7	may appropriate annually, from the general fund of the county, money
8	to provide financial assistance in an amount not to exceed the amount
9	that could be collected from the annual tax levy of sixty-seven
10	hundredths of one cent (\$0.0067) on each one hundred dollars (\$100)
11	of taxable property.
12	SECTION 5. IC 20-12-21.7-5 IS AMENDED TO READ AS
13	FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. The minority
14	teacher or special education services scholarship fund is established:
15	(1) as the fund pertains to minority teachers:
16	(A) to encourage and promote qualified minority individuals
17	to pursue a career in teaching in accredited schools in Indiana;
18	(B) to enhance the number of individuals who may serve as
19	role models for the minority students in Indiana; and
20	(C) in recognition of the fact that there is a shortage of
21	minority teachers teaching in accredited schools of Indiana;
22	and
23	(2) as the fund pertains to special education services:
24	(A) to encourage and promote qualified individuals to pursue
25	a career in:
26	(i) teaching special education in accredited schools in
27	Indiana; or
28	(ii) practicing occupational or physical therapy in accredited
29	schools in Indiana, in vocational rehabilitation centers under
30	$\frac{1C}{12-12-1-4(1)}$ IC 12-12-1-4.1(a)(1), or in community
31	mental retardation or other developmental disabilities
32	centers under IC 12-29 (except IC 12-29-3-6) as part of the
33	special education program; and
34	(B) in recognition of the fact that there is a shortage of
35	individuals who teach special education and who provide
36	certain other special education services in accredited schools
37	in Indiana.
38	SECTION 6. IC 20-12-21.7-8 IS AMENDED TO READ AS
39	FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) The
40	commission for higher education under IC 20-12-0.5 shall provide the
41	commission with the most recent information concerning:
42	(1) the number of minority students enrolled at each eligible



1	institution; and
2	(2) the number of individuals who are:
3	(A) enrolled at each eligible institution; and
4	(B) pursuing a course of study that would enable the student,
5	upon graduation, to be:
6	(i) licensed to teach special education in an accredited
7	school; or
8	(ii) certified to practice occupational therapy or licensed to
9	practice physical therapy in an accredited school, in a
10	vocational rehabilitation center under IC 12-12-1-4(1)
11	IC 12-12-1-4.1(a)(1), or in a community mental retardation
12	or other developmental disabilities center under IC 12-29 as
13	part of the special education program.
14	(b) The commission shall allocate the available money from the
15	fund to each eligible institution in proportion to the number of minority
16	students enrolled at each eligible institution as described in subsection
17	(a) based upon the information received by the commission under
18	subsection (a).
19	(c) Each eligible institution shall determine the scholarship
20	recipients under this chapter:
21	(1) based upon the criteria set forth in section 9 of this chapter or
22	section 9.1 of this chapter, whichever applies, and the rules
23	adopted by the commission under section 12 of this chapter; and
24	(2) with a priority on granting scholarships in the following order:
25	(A) Minority students seeking a renewal scholarship.
26	(B) Newly enrolling minority students.
27	(C) Special education services students seeking a renewal
28	scholarship.
29	(D) Newly enrolling special education services students.
30	However, the eligible institution may not grant a scholarship renewal
31	to a student for an academic year that ends later than six (6) years after
32	the date the student received the initial scholarship under this chapter.
33	(d) Any funds that:
34	(1) are allocated to an eligible institution; and
35	(2) are not utilized for scholarships under this chapter;
36	shall be returned to the commission for reallocation by the commission
37	to any other eligible institution in need of additional funds.
38	SECTION 7. IC 20-12-21.7-9.1 IS AMENDED TO READ AS
39	FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9.1. (a) To initially
40	qualify for a scholarship from the fund as the fund pertains to
41	individuals described in section 8(a)(2) of this chapter, an individual



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must:

1	(1) be admitted to an eligible institution of higher learning as a
2	full-time student or be attending an eligible institution of higher
3	learning as a full-time student;
4	(2) intend to pursue or, in the case of a student who is attending
5	an eligible institution of higher learning, pursue a course of study
6	that would enable the student, upon graduation:
7	(A) to be licensed to teach special education in an accredited
8	school under rules adopted by the Indiana state board of
9	education;
10	(B) to be certified to practice occupational therapy:
11	(i) in an accredited school;
12	(ii) in a vocational rehabilitation center under
13	IC 12-12-1-4(1) IC 12-12-1-4.1(a)(1) ; or
14	(iii) in a community mental retardation or other
15	developmental disabilities center under IC 12-29 except
16	IC 12-29-3-6; or
17	(C) to be licensed to practice physical therapy:
18	(i) in an accredited school;
19	(ii) in a vocational rehabilitation center under
20	IC 12-12-1-4(1) IC 12-12-1-4.1(a)(1) ; or
21	(iii) in a community mental retardation or other
22	developmental disabilities center under IC 12-29 except
23	IC 12-29-3-6;
24	(3) agree, in writing, to:
25	(A) teach in an accredited school; or
26	(B) practice occupational therapy or physical therapy,
27	whichever applies:
28	(i) in an accredited school in Indiana;
29	(ii) in a vocational rehabilitation center under
30	IC 12-12-1-4(1) IC 12-12-1-4.1(a)(1) ; or
31	(iii) in a community mental retardation or other
32	developmental disabilities center under IC 12-29 except
33	IC 12-29-3-6;
34	at least three (3) of the first five (5) years following the student's
35	licensure as a teacher, certification as an occupational therapist,
36	or licensure as a physical therapist; and
37	(4) meet any other minimum criteria established by the
38	commission.
39	(b) To qualify for a scholarship renewal from the fund under this
40	section, the individual must:
41	(1) comply with the criteria set forth in subsection (a); and
42	(2) maintain at least the cumulative grade point average:



1	(A) that is required by an eligible institution for admission to
2	the eligible institution's school of education; or
3	(B) of 2.0 on a 4.0 grading scale or its equivalent as
4	established by the eligible institution if the eligible institution's
5	school of education does not require a certain minimum
6	cumulative grade point average.
7	SECTION 8. IC 12-12-1-4 IS REPEALED [EFFECTIVE UPON
8	PASSAGE].
9	SECTION 9. An emergency is declared for this act

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COMMITTEE REPORT

Mr. President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 109, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert: "SECTION 1. IC 5-1-16-1, AS AMENDED BY P.L.215-2001, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. As used in this chapter:

"Authority" refers to the Indiana health facility financing authority.
"Bonds" includes bonds, refunding bonds, notes, interim certificates, bond anticipation notes, and other evidences of indebtedness of the authority, issued under this chapter.

"Building" or "buildings" or similar words mean any building or part of a building or addition to a building for health care purposes. The term includes the site for the building (if a site is to be acquired), equipment, heating facilities, sewage disposal facilities, landscaping, walks, drives, parking facilities, and other structures, facilities, appurtenances, materials, and supplies that may be considered necessary to render a building suitable for use and occupancy for health care purposes.

"Cost" includes the following:

- (1) The cost and the incidental and related costs of the acquisition, repair, restoration, reconditioning, refinancing, or installation of health facility property.
- (2) The cost of any property interest in health facility property, including an option to purchase a leasehold interest.
- (3) The cost of constructing health facility property, or an addition to health facility property, acquiring health facility property, or remodeling health facility property.
- (4) The cost of architectural, engineering, legal, trustee, underwriting, and related services; the cost of the preparation of plans, specifications, studies, surveys, and estimates of cost and of revenue; and all other expenses necessary or incident to planning, providing, or determining the need for or the feasibility and practicability of health facility property.
- (5) The cost of financing charges, including premiums or prepayment penalties and interest accrued during the construction of health facility property or before the acquisition and installation or refinancing of such health facility property for up to two (2) years after such construction, acquisition, and

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C o p installation or refinancing and startup costs related to health

- (6) The costs paid or incurred in connection with the financing of health facility property, including out-of-pocket expenses, the cost of any policy of insurance; the cost of printing, engraving, and reproduction services; and the cost of the initial or acceptance fee of any trustee or paying agent.
- (7) The costs of the authority, incurred in connection with providing health facility property, including reasonable sums to reimburse the authority for time spent by its agents or employees in providing and financing health facility property.
- (8) The cost paid or incurred for the administration of any program for the purchase or lease of or the making of loans for health facility property, by the authority and any program for the sale or lease of or making of loans for health facility property to any participating provider.

"County" means any county in the state that owns and operates a county hospital.

"Health facility property" means any tangible or intangible property or asset owned or used by a participating provider and which:

- (1) is determined by the authority to be necessary or helpful, directly or indirectly, to provide:
 - (A) health care;
 - (B) medical research;

 - (D) habilitation, rehabilitation, or therapeutic services; or
 - (E) any related supporting services;

regardless of whether such property is in existence at the time of,

- (2) is a residential facility for:

 - (B) the physically or mentally ill; or
- described in IC 12-7-2-29(1) or corresponding provisions of the laws of the state in which the property is located.

"Health facility" means any facility or building that is:

- (1) owned or used by a participating provider;
- (2) located:
 - (A) in Indiana; or
 - (B) outside Indiana, if the participating provider that operates

- (C) training or teaching of health care personnel;

or is to be provided after the making of, such finding;

- (A) the physically, mentally, or emotionally disabled;
- (C) the elderly; or
- (3) is a licensed child caring institution providing residential care

the facility or building, or an affiliate of the participating provider, also operates a substantial health facility or facilities, as determined by the authority, in Indiana; and

- (3) utilized, directly or indirectly:
 - (A) in:
 - (i) health care;
 - (ii) habilitation, rehabilitation, or therapeutic services;
 - (iii) medical research;
 - (iv) the training or teaching of health care personnel; or
 - (v) any related supporting services;
 - (B) to provide a residential facility for:
 - (i) the physically, mentally, or emotionally disabled;
 - (ii) the physically or mentally ill; or
 - (iii) the elderly; or
 - (C) as a child caring institution and provides residential care described in IC 12-7-2-29(1) or corresponding provisions of the laws of the state in which the facility or building is located.

"Net revenues" means the revenues of a hospital remaining after provision for proper and reasonable expenses of operation, repair, replacement, and maintenance of the hospital.

"Participating provider" means a person, corporation, municipal corporation, political subdivision, or other entity, public or private, which:

- (1) is located in Indiana or outside Indiana;
- (2) contracts with the authority for the financing or refinancing of, or the lease or other acquisition of, health facility property that is located:
 - (A) in Indiana; or
 - (B) outside Indiana, if the financing, refinancing, lease, or other acquisition also includes a substantial component, as determined by the authority, for the benefit of a health facility or facilities located in Indiana;
- (3) is:
 - (A) licensed under IC 12-25, IC 16-21, IC 16-28, or corresponding laws of the state in which the property is located;
 - (B) a regional blood center;
 - (C) a community mental health center or community mental retardation and other developmental disabilities center (as defined in IC 12-7-2-38 and IC 12-7-2-39 or corresponding provisions of laws of the state in which the property is located);

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- (D) an entity that:
 - (i) contracts with the division of disability, aging, and rehabilitative services or the division of mental health and addiction to provide the program described in IC 12-11-1.1-1(e) or IC 12-22-2; or
 - (ii) provides a similar program under the laws of the state in which the entity is located;
- (E) a vocational rehabilitation center established under IC 12-12-1-4(1) **IC 12-12-1-4.1(a)(1)** or corresponding provisions of the laws of the state in which the property is located:
- (F) the owner or operator of a facility that is utilized, directly or indirectly, to provide health care, habilitation, rehabilitation, therapeutic services, medical research, the training or teaching of health care personnel, or any related supporting services, or of a residential facility for the physically, mentally, or emotionally disabled, physically or mentally ill, or the elderly; (G) a licensed child caring institution providing residential care described in IC 12-7-2-29(1) or corresponding provisions of the laws of the state in which the property is located;
- (H) an integrated health care system between or among providers, a health care purchasing alliance, a health insurer or third party administrator that is a participant in an integrated health care system, a health maintenance or preferred provider organization, or a foundation that supports a health care provider; or
- (I) an individual, a business entity, or a governmental entity that owns an equity or membership interest in any of the organizations described in clauses (A) through (H); and
- (4) in the case of a person, corporation, municipal corporation, political subdivision, or other entity located outside Indiana, is owned or controlled by, under common control with, affiliated with, or part of an obligated group that includes an entity that provides one (1) or more of the following services or facilities in Indiana:
 - (A) A facility that provides:
 - (i) health care;
 - (ii) habilitation, rehabilitation, or therapeutic services;
 - (iii) medical research;
 - (iv) training or teaching of health care personnel; or
 - (v) any related supporting services.
 - (B) A residential facility for:

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- (i) the physically, mentally, or emotionally disabled;
- (ii) the physically or mentally ill; or
- (iii) the elderly.
- (C) A child caring institution providing residential care described in IC 12-7-2-29(1).

"Regional blood center" means a nonprofit corporation or corporation created under 36 U.S.C. 1 that:

- (1) is:
 - (A) accredited by the American Association of Blood Banks; or
 - (B) registered or licensed by the Food and Drug Administration of the Department of Health and Human Services; and
- (2) owns and operates a health facility that is primarily engaged in:
 - (A) drawing, testing, processing, and storing human blood and providing blood units or components to hospitals; or
 - (B) harvesting, testing, typing, processing, and storing human body tissue and providing this tissue to hospitals.

SECTION 2. IC 12-7-2-39 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 39. "Community mental retardation and other developmental disabilities centers", for purposes of IC 12-29 (except as provided in IC 12-29-3-6), means a program of services that meets the following conditions:

- (1) Is approved by the division of disability, aging, and rehabilitative services.
- (2) Is organized for the purpose of providing multiple services for persons with developmental disabilities.
- (3) Is operated by one (1) of the following or any combination of the following:
 - (A) A city, a town, a county, or another political subdivision of Indiana.
 - (B) An agency of the state.
 - (C) An agency of the United States.
 - (D) A political subdivision of another state.
 - (E) A hospital owned or operated by a unit of government described in clauses (A) through (D).
 - (F) A building authority organized for the purpose of constructing facilities to be leased to units of government.
 - (G) A corporation incorporated under IC 23-7-1.1 (before its repeal August 1, 1991) or IC 23-17.
 - (H) A nonprofit corporation incorporated in another state.







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- (I) A university or college.
- (4) Is accredited for the services the person provides by one (1) of the following organizations:
 - (A) The Commission on Accreditation of Rehabilitation Facilities (CARF), or its successor.
 - (B) The Council on Quality and Leadership in Supports for People with Disabilities, or its successor.
 - (C) The Joint Commission on Accreditation of Healthcare Organizations (JCAHO), or its successor.
 - (D) The National Commission on Quality Assurance, or its successor.
 - (E) An independent national accreditation organization approved by the secretary.

SECTION 3. IC 12-12-1-4.1 IS ADDED TO THE INDIANA AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 4.1. (a) The bureau may do the following:**

- (1) Establish vocational rehabilitation centers separately or in conjunction with community rehabilitation centers.
- (2) Contract with governmental units and other public or private organizations to provide any of the vocational rehabilitation services permitted or required by this article, IC 12-8-1-11, IC 12-9-6, and IC 12-11-6.
- (3) Provide or contract for the provision of other services that are consistent with the purposes of this article, IC 12-8-1-11, IC 12-9-6, and IC 12-11-6.
- (b) When entering into contracts for job development, placement, or retention services, the bureau shall contract with governmental units and other public or private organizations or individuals that are accredited by one (1) of the following organizations:
 - (1) The Commission on Accreditation of Rehabilitation Facilities (CARF), or its successor.
 - (2) The Council on Quality and Leadership in Supports for People with Disabilities, or its successor.
 - (3) The Joint Commission on Accreditation of Healthcare Organizations (JCAHO), or its successor.
 - (4) The National Commission on Quality Assurance, or its successor.
 - (5) An independent national accreditation organization approved by the secretary.
- (c) To the extent that the accreditation requirements of an accrediting organization listed in subsection (b) do not cover a







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specific requirement determined by the bureau to be necessary for a contracted service under subsection (a), the bureau shall include these specific requirements as part of the bureau's contract with a person described in subsection (a)(2) for job development, placement, or retention services.

SECTION 4. IC 12-29-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 6. (a) As used in this section, "community mental retardation and other developmental disabilities center" means a community center that is:

- (1) incorporated under IC 23-7-1.1 (before its repeal August 1, 1991) or IC 23-17;
- (2) organized for the purpose of providing services for mentally retarded and other individuals with a developmental disability;
- (3) approved by the division of disability, aging, and rehabilitative services; and
- (4) accredited for the services provided by one (1) of the following organizations:
 - (A) The Commission on Accreditation of Rehabilitation Facilities (CARF), or its successor.
 - (B) The Council on Quality and Leadership in Supports for People with Disabilities, or its successor.
 - (C) The Joint Commission on Accreditation of Healthcare Organizations (JCAHO), or its successor.
 - (D) The National Commission on Quality Assurance, or its successor.
 - (E) An independent national accreditation organization approved by the secretary.
- (b) The county executive of a county may authorize the furnishing of financial assistance to a community mental retardation and other developmental disabilities center serving the county.
- (c) Upon the request of the county executive, the county fiscal body may appropriate annually, from the general fund of the county, money to provide financial assistance in an amount not to exceed the amount that could be collected from the annual tax levy of sixty-seven hundredths of one cent (\$0.0067) on each one hundred dollars (\$100) of taxable property.

SECTION 5. IC 20-12-21.7-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. The minority teacher or special education services scholarship fund is established:

- (1) as the fund pertains to minority teachers:
 - (A) to encourage and promote qualified minority individuals to pursue a career in teaching in accredited schools in Indiana;

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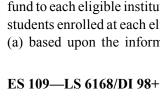


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- (B) to enhance the number of individuals who may serve as role models for the minority students in Indiana; and
- (C) in recognition of the fact that there is a shortage of minority teachers teaching in accredited schools of Indiana; and
- (2) as the fund pertains to special education services:
 - (A) to encourage and promote qualified individuals to pursue a career in:
 - (i) teaching special education in accredited schools in Indiana; or
 - (ii) practicing occupational or physical therapy in accredited schools in Indiana, in vocational rehabilitation centers under $\frac{1C}{12-12-1-4(1)}$ IC 12-12-1-4.1(a)(1), or in community mental retardation or other developmental disabilities centers under IC 12-29 (except IC 12-29-3-6) as part of the special education program; and
 - (B) in recognition of the fact that there is a shortage of individuals who teach special education and who provide certain other special education services in accredited schools in Indiana.

SECTION 6. IC 20-12-21.7-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) The commission for higher education under IC 20-12-0.5 shall provide the commission with the most recent information concerning:

- (1) the number of minority students enrolled at each eligible institution; and
- (2) the number of individuals who are:
 - (A) enrolled at each eligible institution; and
 - (B) pursuing a course of study that would enable the student, upon graduation, to be:
 - (i) licensed to teach special education in an accredited school; or
 - (ii) certified to practice occupational therapy or licensed to practice physical therapy in an accredited school, in a vocational rehabilitation center under IC 12-12-1-4(1) IC 12-12-1-4.1(a)(1), or in a community mental retardation or other developmental disabilities center under IC 12-29 as part of the special education program.
- (b) The commission shall allocate the available money from the fund to each eligible institution in proportion to the number of minority students enrolled at each eligible institution as described in subsection (a) based upon the information received by the commission under













subsection (a).

- (c) Each eligible institution shall determine the scholarship recipients under this chapter:
 - (1) based upon the criteria set forth in section 9 of this chapter or section 9.1 of this chapter, whichever applies, and the rules adopted by the commission under section 12 of this chapter; and
 - (2) with a priority on granting scholarships in the following order:
 - (A) Minority students seeking a renewal scholarship.
 - (B) Newly enrolling minority students.
 - (C) Special education services students seeking a renewal scholarship.
- (D) Newly enrolling special education services students. However, the eligible institution may not grant a scholarship renewal to a student for an academic year that ends later than six (6) years after the date the student received the initial scholarship under this chapter.
 - (d) Any funds that:
 - (1) are allocated to an eligible institution; and
- (2) are not utilized for scholarships under this chapter; shall be returned to the commission for reallocation by the commission to any other eligible institution in need of additional funds.

SECTION 7. IC 20-12-21.7-9.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9.1. (a) To initially qualify for a scholarship from the fund as the fund pertains to individuals described in section 8(a)(2) of this chapter, an individual must:

- (1) be admitted to an eligible institution of higher learning as a full-time student or be attending an eligible institution of higher learning as a full-time student;
- (2) intend to pursue or, in the case of a student who is attending an eligible institution of higher learning, pursue a course of study that would enable the student, upon graduation:
 - (A) to be licensed to teach special education in an accredited school under rules adopted by the Indiana state board of education;
 - (B) to be certified to practice occupational therapy:
 - (i) in an accredited school;
 - (ii) in a vocational rehabilitation center under IC 12-12-1-4(1) IC 12-12-1-4.1(a)(1); or
 - (iii) in a community mental retardation or other developmental disabilities center under IC 12-29 except IC 12-29-3-6; or
 - (C) to be licensed to practice physical therapy:







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- (i) in an accredited school;
- (ii) in a vocational rehabilitation center under IC 12-12-1-4(1) **IC 12-12-1-4.1(a)(1)**; or
- (iii) in a community mental retardation or other developmental disabilities center under IC 12-29 except IC 12-29-3-6;
- (3) agree, in writing, to:
 - (A) teach in an accredited school; or
 - (B) practice occupational therapy or physical therapy, whichever applies:
 - (i) in an accredited school in Indiana;
 - (ii) in a vocational rehabilitation center under IC 12-12-1-4(1) IC 12-12-1-4.1(a)(1); or
 - (iii) in a community mental retardation or other developmental disabilities center under IC 12-29 except IC 12-29-3-6;

at least three (3) of the first five (5) years following the student's licensure as a teacher, certification as an occupational therapist, or licensure as a physical therapist; and

- (4) meet any other minimum criteria established by the commission.
- (b) To qualify for a scholarship renewal from the fund under this section, the individual must:
 - (1) comply with the criteria set forth in subsection (a); and
 - (2) maintain at least the cumulative grade point average:
 - (A) that is required by an eligible institution for admission to the eligible institution's school of education; or
 - (B) of 2.0 on a 4.0 grading scale or its equivalent as established by the eligible institution if the eligible institution's school of education does not require a certain minimum cumulative grade point average.

SECTION 8. IC 12-12-1-4 IS REPEALED [EFFECTIVE UPON PASSAGE].

SECTION 9. An emergency is declared for this act.".

Page 2, delete lines 1 through 5.

and when so amended that said bill do pass.

(Reference is to SB 109 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 7, Nays 0.

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SENATE MOTION

Mr. President: I move that Senator Breaux be added as coauthor of Engrossed Senate Bill 109.

RIEGSECKER

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Human Affairs, to which was referred Senate Bill 109, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 6, line 20, delete "the person provides" and insert "provided".

Page 6, line 32, after "INDIANA" insert "CODE".

Page 7, line 21, delete "with a".

Page 7, line 22, delete "person described in subsection (a)(2)".

and when so amended that said bill do pass.

(Reference is to SB 109 as printed January 18, 2002.)

SUMMERS, Chair

Committee Vote: yeas 11, nays 0.

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